

REMARKS

In a Final Office Action mailed on May 5, 2004, claims 29-34, 36-44 and 46-52 were rejected under 35 U.S.C. § 102(e) as being anticipated by Noro; claims 35 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Noro; and objections were made to claims 31 and 41. Claims 49-52 have been cancelled. Applicant directs the Examiner's attention to the arguments presented on page 2 of the previously-filed Reply. As set forth in this Reply, both claims 31 and 41 introduce the term "digital camera," and thus, both claims clearly have antecedent bases for the claim limitation "digital camera." Thus, Applicant requests withdrawal of the objections to claims 31 and 41. The §§ 102 and 103 rejections are addressed below.

§§ 102 and 103 Rejections of Claims 29-38:

Applicant has reviewed the latest Office Action in which the Examiner addresses points raised by Applicant in the last Reply. However, Applicant submits that Noro fails to disclose all limitations of independent claim 38 for at least the following reasons.

First, Applicant requests the following clarification. Applicant did not concede in the last Office Action that Noro teaches that the camera operation device 20 accumulates simple commands if power is turned off to the camera. Rather, as set forth in the previous Reply, Applicant assumed this position for purposes of argument in an attempt to address and understand the reasoning behind the § 102 rejections. However, Applicant notes that Fig. 9 and the associated text of Noro, in fact, do not explicitly state or imply that such an accumulation occurs.

However, in the latest Office Action, the Examiner's position appears to be that the camera management device 112 accumulates simple commands and these simple commands somehow include an action command and a setup command. However, Applicant requests the Examiner to specifically identify where Noro teaches that the simple command includes an action command. Rather, Noro is quite clear that the simple command specifies a pan angle, tilt angle or zoom angle. These appear to be setup commands, not an action command. The Examiner states, "the generated and accumulated simple control commands are comprised in

both camera setup and action commands (i.e., commands that position/setup the camera in a new position to capture a new field of view)." Office Action, 8. However, this a mere conclusion by the Examiner, as the Examiner does not specifically cite any language of Noro to support the position that the simple control command of Noro somehow contains an action command.

Rather, Noro describes the generation of a simple control command by the camera operation device 20. In response to receiving this simple control command, Noro's camera management device 112 suspends image transmission to the video camera 116 and adjusts the pan/zoom/tilt angle of the camera 116 until the angle specified by the simple control command has been reached. After this adjustment, Noro discloses that the camera management device 112 resumes transmission of imaging data to the video camera 116. This appears to be the distinguishing feature in Noro between the disclosed simple control command and the normal control command, i.e., whether or not the transmission of image data to the video camera 116 is suspended.

Applicant requests the Examiner to consider claim 38 in its entirety, a consideration that reveals Noro fails to teach or even suggest the accumulation of commands that is set forth in independent claim 38. More specifically, claim 38 recites, "accumulating commands generated by the execution of an application program, the commands including an action command." To the contrary, Noro discloses that in response to the simple control command, the camera management device 112 transmits various angle control commands to the video camera to adjust the desired pan/zoom/tilt angle of the camera. However, these commands are not generated by an application program that also generates the simple control command. Rather, the simple control command is generated by software of the camera operation device 20. In short, the Examiner fails to show where Noro discloses accumulating commands generated by the execution of an application program, where these commands include an action command. Instead, the Examiner merges Noro's discussion of commands stored in a memory of the camera management device 112 with a command generated by the camera operation device 20. However, there is no teaching or even a suggestion in Noro that these commands are generated

by the same application program. Without such a teaching, Noro fails to teach or even suggest the generating of independent claim 29.

Claims 30-38 overcome the §§ 102 and 103 rejections for at least the reason that these claims depend from a patentable claim. Additionally, the Examiner rejects claim 35 under 35 U.S.C. § 103(a) as being unpatentable over Noro. However, as acknowledged by the Examiner, Noro fails to teach or suggest at least one set of commands that include a command to instruct an imaging device to set an exposure time of the device. More specifically, a *prima facie* case of obviousness requires that the Examiner show where the prior art teaches or suggests all claim limitations. M.P.E.P. § 2143. Instead of fulfilling this requirement, the Examiner merely concludes a case of obviousness from the hindsight that is gleaned from the claimed invention. Thus, the prior art must teach or suggest the missing claim limitations and contain a suggestion or motivation to modify Noro to include these limitations. Without such a showing, a *prima facie* case of obviousness has not been set forth for claim 35.

Therefore, for at least the reasons that are set forth above, withdrawal of the §§ 102 and 103 rejections of claims 29-38 is requested.

§§ 102 and 103 Rejections of Claims 39-48:

The article of independent claim 39 includes a storage medium that stores instructions to cause a processor-based system to accumulate commands that are generated by the execution of an application program. These commands include an action command to cause an imaging device to perform an action and at least one set of commands to set up the imaging device to perform the action.

Noro fails to disclose all of the limitations of independent claim 39 for at least the reason that Noro fails to teach commands that include an action command. See discussion of claim 29 above. Furthermore, Noro fails to teach or even suggest accumulation of commands generated by the execution of an application program (*emphasis added*). Rather, the Examiner merges Noro's discussion of a command generated by the camera operation device 20 with camera commands generated by the camera management device 112.

Claims 40-48 are patentable for at least the reason that these claims depend from allowable claims. Additionally, the Examiner rejects claim 45 under 35 U.S.C. § 103 as allegedly being unpatentable in view of Noro. However, the Examiner fails to show where the prior art teaches or suggests at least one set of command that includes a command to instruct an imaging device to set an exposure time of the device; and the Examiner fails to show where the prior art contains the alleged suggestion or motivation to modify Noro to include these additional features. For either of these reasons, a *prima facie* case of obviousness has not been set forth for claim 45. M.P.E.P. § 2143.

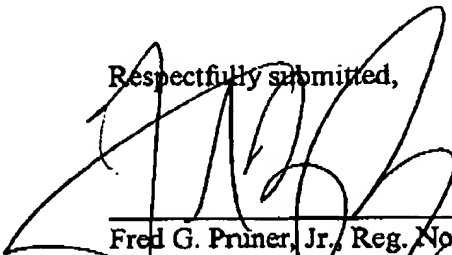
Therefore, for at least the reasons that are set forth above, withdrawal of the §§ 102 and 103 rejections of claims 39-48 is requested.

#### CONCLUSION

In view of the foregoing, withdrawal of the §§ 102 and 103 rejections and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0071US).

Respectfully submitted,

Date: July 6, 2004



Fred G. Pruner, Jr., Reg. No. 40,779  
TROP, PRUNER & HU, P.C.  
8554 Katy Freeway, Suite 100  
Houston, TX 77024  
713/468-8880 [Phone]  
713/468-8883 [Fax]